

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BRADLEY T. STEPHENS

VS.

FAF, INC. and EVA J. DUVALL

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CIVIL ACTION NO. _____

JURY TRIAL REQUESTED

**NOTICE OF REMOVAL BY DEFENDANTS
FAF, INC. AND EVA J. DUVALL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendants, FAF, INC. and EVA DUVALL file this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, showing the following basis for removal.

INTRODUCTION

1. Plaintiff, Bradley Stephens, filed Plaintiffs' Original Petition against Defendants on October 26, 2017, under Cause No. 17-10-22184-CVR, pending in the 143rd Judicial District Court, Reeves County, Texas. Citations upon the Defendants were issued on February 24, 2017.

2. Defendant, Eva J. Duvall, was served with Citation through her counsel of record on December 5, 2017.

3. Defendant, FAF, Inc., was served with Citation through its counsel of record on December 5, 2017.

4. This original Notice of Removal is filed within thirty days of service upon Defendants FAF, INC. and EVA J. DUVALL, the statutory period for removal as required under 28 U.S.C. §1446(b).

JURISDICTION

5. This court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§1441 and 1446, and based upon diversity of citizenship under 28 U.S.C. §1332. Plaintiff, Bradley T. Stephens, is domiciled in Texas and a citizen of that state. Defendant FAF, Inc. (“FAF”) is incorporated in the State of Tennessee with its principal place of business in Tennessee and is therefore a citizen of that state. Defendant Eva J. Duvall, is domiciled in Oklahoma and a citizen of that state. Thus, there is diversity of citizenship between Plaintiff and those defendants.

DAMAGES AND JURISDICTIONAL MINIMUM

6. The amount in controversy exceeds \$1,000,000.00, excluding interest and costs consistent with 28 U.S.C. §§1332(a). Plaintiff Bradley T. Stephens alleges the following elements of damages: past and future medical care and treatment; past lost earnings and future loss of earning capacity; past and future pain; past and future impairment; past and future loss of enjoyment of life; past and future disfigurement; and punitive damages. Plaintiff alleges that as a result of the accident in issue, Bradley T. Stephens injured his neck, and shoulder. It is therefore apparent that plaintiff seeks damages in excess of this court’s jurisdictional threshold of \$75,000.00, excluding interest and costs. *Gebbia v Wal-Mart Stores, Inc.*, 233 F.3d 880, 883 (5th Cir. 2000).

7. All pleadings, process, orders, and other filings in the state court action in the possession of Defendants are attached to this notice as required by 28 U.S.C. §1446(a).

8. Venue is proper in this district under 28 U.S.C. 1391(b)(2) because the sole basis for Plaintiff’s suit and claim for damages arose from a motor vehicle accident which happened at the intersection of IH-10 Frontage Road and FM 2903 in Pecos, Reeves County, Texas.

9. Defendants will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

JURY DEMAND

10. Defendants, FAF, Inc. and Eva J. Duvall hereby make a demand for a jury trial.

CONCLUSION

For these reasons, Defendants, FAF, INC. and EVA J. DUVALL, therefore give notice of its removal of this lawsuit to this Court, and an automatic stay of further proceedings in state district court.

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.

/s/ Lee D. Thibodeaux

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**ATTORNEY FOR DEFENDANTS,
FAF, INC. AND EVA J. DUVALL**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to all opposing counsel via facsimile and/or email on the 27th day of December, 2017.

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